



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTH CENTRAL REGIONAL OFFICE

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L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

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STATE WATER CONTROL BOARD ENFORCEMENT ACTION

SPECIAL ORDER BY CONSENT

ISSUED TO

The Town of Chase City

Permit Number VA0076881

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code §§ 10.1-1185 and 62.1-44.15 (8a) and (8d), between the State Water Control Board and the Town of Chase City for the purpose of resolving violations of State Water Control Law and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meanings assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizen board of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Special Order.

6. “Town” or “Chase City” means the Town of Chase City located in Mecklenburg County, Virginia.
7. “Facility” means the wastewater treatment plant and related appurtenances located in the Town, which is owned and operated by the Town of Chase City.
8. “SCRO” means the South Central Regional Office of the DEQ, located in Lynchburg, Virginia.
9. “VPDES” means the Virginia Pollution Discharge Elimination System.
10. “Permit” means VPDES Permit number VA0076881 issued to the Town.
11. “O&M” means Operations and Maintenance.
12. “NOV” means Notice of Violation.

SECTION C: Findings of Fact and Conclusion of Law

1. The Town owns and operates the Facility located in Chase City, Virginia. The Facility is the subject of the Permit which allows the Town to discharge treated wastewater into Little Bluestone Creek, Roanoke River Subbasin, Roanoke River Basin in strict compliance with the terms, limitations, and requirements delineated therein.
2. From mid 2002 through mid 2004, the Facility exceeded effluent limits in 16 months out of the 24-month period. At one point, an industrial user increased production then scaled back to normal production and this coincided with the number and degree of effluent limits violations. Throughout the referenced 24-month period, DEQ issued the following NOVs to Chase City:
 - NOV No. W2003-04-L-0011 issued on April 17, 2003 for violations of the Permit limits for total suspended solids (“TSS”), Copper, carbonaceous biochemical oxygen demand (“CBOD”), fecal coliform occurring in February 2003;
 - NOV No. W2003-05-L-0002 issued on May 8, 2003 for violations of the Permit limits for TSS, fecal coliform, copper and CBOD occurring in March 2003;
 - NOV No. W2003-06-L-0004 issued on June 10, 2003 for violations of Permit limits for copper and total kjehldahl nitrogen (“TKN”) occurring in April 2003, for violations of the 95% design flow criteria occurring in February through May 2003 and for copper occurring in May 2003;
 - NOV No. W2003-09-L-0006 issued on September 25, 2003 for violations of the Permits limit for copper occurring in June 2003;

- NOV No. W2003-11-L-0009 issued in November 2003 for violations of the Permit limits for copper and ammonia occurring in August 2003 and for violations of the copper limit occurring in September 2003;
 - NOV No. W2004-03-L-0009 issued on March 3, 2004 for violations of the Permit limit for copper occurring in October and November 2003, for failure to verify or re-submit the Facility O&M Manual, failure to initiate the E-coli demonstration study and for violations of the 95% design flow criteria occurring in February through June 2003;
 - NOV No. W2004-08-L-0015 issued on August 12, 2004 for violations of the Permit limit for copper occurring in April 2004 and June 2004 and for failure to verify or re-submit the Facility O&M Manual; and,
 - NOV No. W2004009-L-0001 issued on September 2, 2004 for violations of the Permit limits for copper and pH occurring in July 2004.
3. The violations for failure to verify or re-submit the Facility O&M Manual and for failure to initiate the E-coli demonstration study have been resolved.
 4. Based on the issues with the industrial user, it became apparent to DEQ that the Town needed a pretreatment program; however, the industrial user ceased production in 2004. The Facility has not experienced a violation of the copper limit since July 2004 and has experienced only a few minor effluent limit violations since July 2004 which resulted in issuance of Warning Letters. Monthly average influent flows (95% design criteria) have also been in consistent compliance since closure of the industry. This suggests that the past chronic effluent violations were largely related to the industrial user's discharge to the Facility.
 5. Past compliance inspections performed by DEQ staff at the Facility have identified chronic O&M issues and an uncorrected problem which allows a small unpermitted discharge to continue. During a May 28, 2003 inspection of the Facility, DEQ staff documented an overflow from a drain at the headworks of the Facility which allowed untreated sewage to flow into the receiving stream. This overflow was documented again in DEQ inspections performed on April 20, 2004 and July 12, 2005. There is no record that Chase City reported any of these unpermitted discharges to DEQ.
 6. As a result of the May 28, 2003 inspection of the Facility, on July 14, 2003, SCRO issued Notice of Violation No. W2003-07-L-0006 to the Town citing the unpermitted discharge, failure to report the unpermitted discharge as well as other O&M violations that appeared to be resulting from negligence. The additional violations cited included a non-functioning gauge on the Ultra Violet disinfection unit, a buckled concrete slab, accumulation of solids and a crack in the housing of the post-aeration unit.

7. As a result of the July 12, 2005 inspection of the Facility, on August 18, 2005, SCRO issued Notice of Violation No. W2005-08-L-0013 to the Town citing the unpermitted discharge, failure to report the unpermitted discharge as well as other O&M violations. The additional violations cited included non-functioning disinfection equipment, influent pumps in disrepair, poor housekeeping, a drain clogged with solids, failure to document all process control testing required in the O&M Manual and mismanagement of grit and screenings.
8. Pursuant to Part II.Q of the Permit, the permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this Permit.
9. On August 23, 2004, DEQ received Chase City's revised O&M Manual. On October 7, 2004, DEQ approved the revised O&M Manual. Pursuant to Part I.D.4 of the Permit, upon approval of the submitted manual changes, the revised manual becomes an enforceable part of the Permit. Furthermore, Part I.D 4 of the permit provides that noncompliance with the O&M Manual shall be deemed a violation of the Permit.
10. Va. Code § 62.1-44.5.A prohibits the discharge of "sewage, industrial wastes, other wastes, or any noxious or deleterious substances" to State waters except in compliance with a permit issued by the Board. Va. Code § 62.1-44.5.B provides that any person in violation of the provisions of subsection A who discharges or causes or allows (i) a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters or (ii) a discharge that may reasonably be expected to enter state waters shall, upon learning of the discharge, promptly notify, but in no case later than 24 hours the Board, the Director of the Department of Environmental Quality, or the coordinator of emergency services appointed pursuant to § 44-146.19 for the political subdivision reasonably expected to be affected by the discharge. Written notice to the Director of the Department of Environmental Quality shall follow initial notice within the time frame specified by the federal Clean Water Act.
11. On September 15, 2005, staff of DEQ-SCRO and representatives of Chase City met in an informal enforcement conference at the SCRO. During the meeting, representatives of Chase City presented documentation showing that the condition which allowed for the periodic unpermitted discharge had been corrected and that certain of the other violations observed during the July 12, 2005 inspection of the Facility have been resolved. The violations regarding maintenance of the Ultra Violet disinfection system and the required process control testing remained outstanding at the time of the September 12, 2005 meeting.

12. On November 2, 2005, staff of DEQ-SCRO and representatives of Chase City met in a second informal enforcement conference at Chase City. During that meeting, Chase City demonstrated that the gauge on the UV disinfection unit had been replaced and included the addition of protection against power surge damage.

SECTION D: Agreement and Order

Accordingly the State Water Control Board by virtue of the authority granted by Va. Code § 62.1-44.15(8a) and (8d), orders Chase City, and Chase City agrees, to perform the actions described in Appendix A of this Order. In addition, the Board orders Chase City, and Chase City voluntarily agrees to pay a civil charge of **\$5,180** within 30 days of the effective date of this Order, in settlement of the violations cited in this Order. The payment shall include Chase City's Federal Identification Number and shall reference that it is being made as a requirement of this Order. Payment shall be made by check, payable to the Treasurer of Virginia, delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 10150
Richmond, Virginia 23240

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Chase City, for good cause shown by Chase City, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein. This Order shall not preclude the Board or the Director from taking any action authorized by law, including, but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations that occur after this Order is issued; (2) seeking subsequent remediation of the Facility as may be authorized by law; or (3) taking subsequent action to enforce the terms of this Order. Nothing herein shall affect enforcement actions by other state, local, or federal regulatory authorities, whether or not arising out of the same or similar facts.
3. For purposes of this Order and subsequent actions with respect to this Order, Chase City admits to the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Chase City consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.

5. Chase City declares it has received fair and due process under the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, and the State Water Control Law, and waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Chase City to comply with any of the terms of this Order shall constitute a violation of an Order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Chase City shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or other occurrence. Chase City shall demonstrate that such circumstances resulting in noncompliance were beyond the control of Chase City and not due to a lack of good faith or diligence. Chase City shall notify the SCRO Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the SCRO Director within 24 hours of learning of any condition listed above, which Chase City intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees, and assigns jointly and severally.
10. This Order shall become effective upon execution by the Director, or his designee, and Chase City. Notwithstanding the foregoing, Chase City agrees to be bound by any

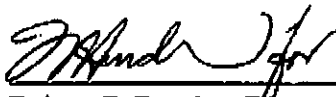
compliance date which precedes the effective date of this Order.

11. This Order shall continue in effect until:

- a. Chase City petitions the SCRO Director to terminate the Order after it has completed all requirements of the Order, and the Regional Director determines that all requirements of the Order have been satisfactorily completed; or
- b. The Director, his designee, or the Board may terminate this Order in his or its sole discretion upon 30 days written notice to Chase City. Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve Chase City from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. By its signature below, Chase City consents to the issuance of this Order.

And it is so ORDERED this 17th day of March, 2006.



David K. Raytor Robert G. Burnley, Director
Department of Environmental Quality

Chase City consents to the issuance of this Order.

By: Richard G. Reese
Town Manager

Date: 1-10-06

Commonwealth of Virginia

City/County of Mecklenburg

The foregoing document was signed and acknowledged before me this 10 day of

January, 2005, by Richard G. Reese, Town Manager, who is the
Richard G. Reese, Town Manager

Town Manager of the Town of Chase City, Virginia.

[Signature]
Notary Public

My commission expires: 5/31/09

APPENDIX A
SCHEDULE OF COMPLIANCE
THE TOWN OF CHASE CITY
VPDES PERMIT NO. VA0076881

Ultra Violet (“UV”) Disinfection

1. Beginning on the date of its entry into the Order, Chase City shall maintain the following documentation regarding the bulbs in the UV disinfection unit.
 - a. The manufacturer’s recommendation for maximum bulb service life (hours);
 - b. The manufacturer’s recommendation for acceptable range of bulb intensity;
 - c. The date of installation of each bulb;
 - d. The number of hours each bulb has been in service;
 - e. A daily recording of the intensity of each bulb bank;
 - f. Upon the replacement of each bulb, a record of the date of replacement and the number of hours the bulb had been in service at the time of replacement; and,
 - g. A record of when the bulbs were cleaned.

The information documented under this paragraph shall be attached to each Discharge Monitoring Report submitted by Chase City beginning the month following its entry into the Order.

O&M Checklist

2. Beginning on the date of its entry into the Order, Chase City shall develop and maintain a weekly checklist which shall cover, at a minimum, the following items of Facility O&M:
 - a. An inspection of all major Facility units; and,
 - b. A description of the condition of each unit to include a description of any problem

observed, the date by which the problem will be addressed, and the date on which the problem was addressed.

The weekly checklist shall be completed and signed by the Licensed Operator and reviewed and signed by the Public Works Director or Town Manager. The weekly checklist shall be attached to each Discharge Monitoring Report submitted by Chase City beginning the month following its entry into the Order.

Laboratory pH Calibration

3. Beginning the month following its entry into the Order, Chase City shall attach to each Discharge Monitoring Report a copy of its daily laboratory pH calibration sheet.

Process Control Testing

4. Beginning on the date of its entry into the Order, Chase City shall perform and document the results of the following process control testing¹:

Testing	Minimum Frequency
a. Aeration Basin pH & D.O.	1/Day
b. Digester pH & D.O.	1/Day
c. Mixed Liquor Suspended Solids	1/Week
d. Settleable Solids 30 Minutes	1/Day
e. Influent CBOD & TSS	1/Month (to be performed on the same day as effluent CBOD & TSS testing)

The information documented under this paragraph shall be attached to each Discharge Monitoring Report submitted by Chase City beginning the month following its entry into the Order.

¹ This process control testing does relieve Chase City from the performance of any testing required under the Permit or the approved O&M Manual for the Facility.

Photo-documentation

5. On a minimum frequency of once per month, Chase City shall photo-document the conditions of the treatment units listed below:
 - a. The aeration basin;

- b. The clarifier;
- c. The digester;
- d. The tertiary filter; and,
- e. The headworks of the plant, including the recently repaired area.

A minimum of three photographs shall be taken of each unit listed. The photographs shall be taken from different perspectives in order to show a good representation of the condition of each unit. Each photograph shall be auto-imprinted with the date on which the photograph was taken. The photographs may be collected using a conventional (paper prints) or digital camera. For paper prints, the photographs shall be attached to each Discharge Monitoring Report submitted by Chase City beginning the month following its entry into the Order. For digital format, the photographs may be submitted by e-mail or by compact disk at any time prior to but not later than the submittal deadline date of the applicable Discharge Monitoring Report.